

7

State Library of Massachusetts  
State House, Boston

FY80  
6/30/80

MASSACHUSETTS BOARD OF CONCILIATION AND ARBITRATION

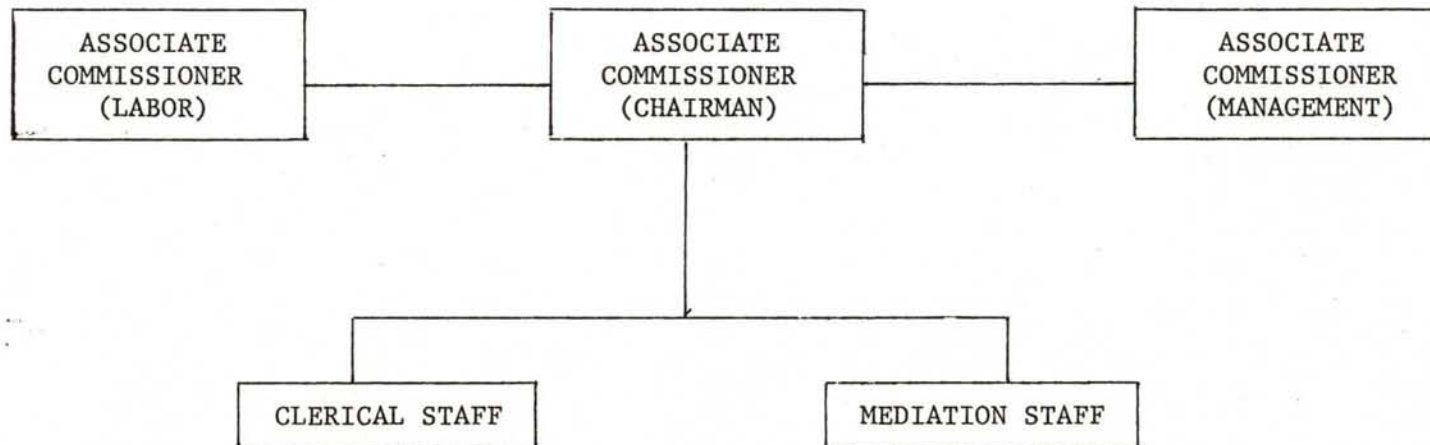
ANNUAL REPORT

1980

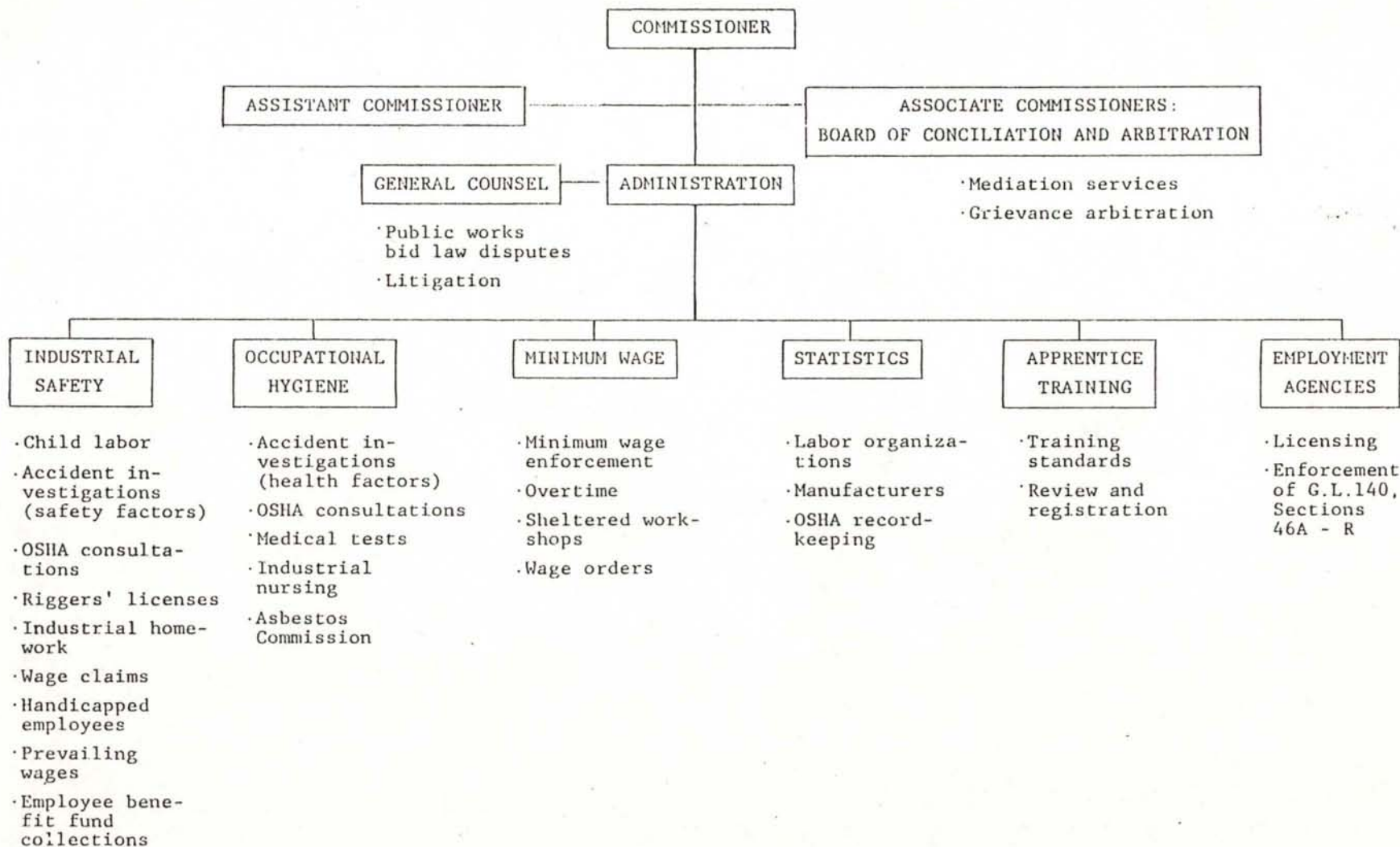
MR  
331.11M3  
A615  
1980

MASSACHUSETTS BOARD OF CONCILIATION AND ARBITRATION

ORGANIZATIONAL CHART



MASSACHUSETTS DEPARTMENT OF LABOR AND INDUSTRIES



MASSACHUSETTS BOARD OF CONCILIATION AND ARBITRATION

STATUTORY REFERENCES

- M.G.L. Chapter 23: Department of Labor and Industries
- M.G.L. Chapter 149: Labor and Industries
- M.G.L. Chapter 150: Conciliation and Arbitration of Labor Disputes
- M.G.L. Chapter 150E: Labor Relations: Public Employees

Statutory Change: On May 14, 1980, Section 7 of Chapter 23 was amended by chapter 146 of the Acts of 1980 to allow the appointment of a non-member of the Board to act as a neutral member or as a single neutral arbitrator with the full power of the Board.

NARRATIVE

The function and purpose of the Board of Conciliation and Arbitration is to facilitate peaceful collective bargaining by providing mediation services and grievance arbitration in the public and private sectors, and factfinding procedures in the public sector.

The Board also has the authority to approve rules of the Department of Labor and Industries and to hear appeals from orders issued by the Commissioner of Labor and Industries.

The mediation and factfinding programs are designed to assist in the resolution of contract negotiation impasses. Fact-finding is limited to the public sector, while mediation includes both public and private sectors. The arbitration program is available for resolving both public and private disputes<sup>1</sup> arising during the life of a collective bargaining agreement.

---

1. During 1980 the Board received 119 private sector cases and 97 public sector cases.



Mediation services, which are available to the Commonwealth and all of its political subdivisions, as well as to private industry, are provided by a staff of twelve mediators.

The three Associate Commissioners hear most of the grievance arbitration cases. A small number of referral arbitrations and all factfinding are done by outside experts, designated and supervised by the Board.

During Fiscal 1980 the Associate Commissioners were Paul McCarthy (Chairman), John McKinnon (Labor), and John Connors (Management).

Mediators were Douglas Botts, Robert Browning, Angelo Collela, Walter Diehl, William Doherty, Phillip Dunn, George Fitzpatrick, Roberta Golick, Elliott Klitzman, James Leydon, John Mark, and Diane Zaar.

Clerical and administrative services were provided by Irene McGinn, Anne Doherty, and Stephanie Bassett.

A number of student interns provided research assistance.

#### REVENUES

Chapter 790 of the Acts of 1977 established a filing fee of \$100.00, of which \$50.00 shall be paid by each party, for all arbitrations between the parties during a twelve month period.

Pursuant to this statute, the sum of \$3700.00 was paid into the General Fund in Fiscal 1980.

## MEDIATION AND FACT FINDING

Case Dispositions as of June 30, 1980

### Public Sector: Non-Police/Fire

Settled in mediation	79	
Still in mediation	101	
In fact finding	23	
Settled during fact finding	3	
Settled after fact finding	3	
Negotiated after fact finding	6	215

### Police/Fire

Settled in mediation	5	
Still in mediation	15	
In fact finding	2	
Settled during fact finding	0	
Settled after fact finding	0	
Negotiated after fact finding	0	
Petitioned for final offer	0	
Sent to Joint Labor Management Committee	0	
		22

### Private Sector

Cases received and settled	32	
TOTAL . . . . .		269

1980 DISPOSITION OF ARBITRATION CASES FILED THROUGH JUNE 30, 1980

Cases pending in 1980		Disposition as of June 30, 1980					
		Decided	Settled/ withdrawn	Referral Arbitration	Stipulated Award <sup>1</sup>	Other <sup>2</sup>	Carried into 1981
Filed in 1978:	10	2	3				5
Filed in 1979:	126	52	70	1	1	1	1
Filed in 1980:	216	67	85	5	4	5	50

- 
1. "Stipulated Award": Agreement reached by the parties during a pre-hearing conference or after the hearing has begun. This is distinguished from those cases settled or withdrawn without Board participation. The category of "stipulated award" first appears in the records in 1980. Before 1980 these cases were recorded under "settled/withdrawn."
  2. E.g., American Arbitration Association, Federal Mediation and Conciliation Service, Massachusetts Commission against Discrimination, private arbitrators.





*The Commonwealth of Massachusetts*  
*Executive Office of Manpower Affairs*  
*Department of Labor and Industries*  
*Board of Conciliation and Arbitration*

*Leverett Saltonstall Building, Government Center*  
*100 Cambridge Street, Boston 02202*

ANNUAL REPORT OF THE  
MASSACHUSETTS BOARD OF CONCILIATION AND ARBITRATION

The Massachusetts Board of Conciliation and Arbitration has the responsibility for administering procedures for resolving collective bargaining impasses under the State Collective Bargaining Law and provides a mediation service and a grievance procedure for private industry within the Commonwealth. In the public sector, the Board's procedures comprise mediation, fact-finding, interest arbitration and grievance arbitration. In the private sector the procedures comprise mediation and grievance arbitration.

The Board is composed of three Associate Commissioners, one representing labor, one management and one sitting as the neutral member.

It is the duty of the Commissioners to hear arbitration cases which arise during the life of collective bargaining agreements in both the public and private sectors. In addition to the Commissioners, the Board maintains Counsel, a staff of full time mediators and a support staff.

State Library of Massachusetts  
State House, Boston

\*\*\*\*\*

MR

331.11M3

A615

1979/80



BOARD OF CONCILIATION AND ARBITRATION

MEDIATION AND FACTFINDING  
CASE DISPOSITIONS AS OF January 30, 1980\*

<u>PUBLIC SECTOR</u>	<u>1978</u>	FISCAL <u>1979</u>	<u>1980</u>
Settled in Mediation	173	202	50
Still in Mediation	3	5	47
In Factfinding	1	18	17
Settled during Factfinding	35	23	0
Settled after Factfinding	35	14	1
Negotiating after Factfinding	<u>0</u>	<u>0</u>	<u>2</u>
TOTAL	247	262	117*

<u>POLICE/FIRE</u>	<u>1978</u>	<u>1979</u>	<u>1980</u>
Settled in Mediation	50	62	3
Still in Mediation	0	2	2
In Factfinding	0	23	1
Settled during Factfinding	20	8	0
Settled after Factfinding	17	8	0
Negotiating after Factfinding	0	9	0
Petitioned for Final Offer	10	7	0
Sent to Joint Mg't Labor Committee (Dunlop)	<u>0</u>	<u>15</u>	<u>1</u>
TOTAL	97	139	7





The Commonwealth of Massachusetts

DEPARTMENT OF LABOR AND INDUSTRIES

BOARD OF CONCILIATION AND ARBITRATION

BOSTON

Aug. 3, 1979

*In the matter of the joint application for arbitration of a controversy between*  
SOUTHEASTERN CONSTRUCTION CO.

AND

ARB. 7-1980

LOCAL UNION NO. 653

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows: The grievant was discharged without just cause. Mr. Graham shall be immediately reinstated, without back pay, but with full seniority and any other rights.

This award shall constitute a final warning to Mr. Graham that further violation of Company rules or established industrial practice will result in discharge. It shall remain a part of his personal record, subject to the limits of the contract.

BY THE BOARD:

*Paul J. McCarthy*  
Paul J. McCarthy, Chairman





*The Commonwealth of Massachusetts*  
*Executive Office of Manpower Affairs*  
*Department of Labor and Industries*  
*Board of Conciliation and Arbitration*  
*Lowell Tablinstaff Building Government Center*  
*100 Cambridge Street Boston 02202*

#2

September 26, 1979

Mr. Donald Gillis  
Operations Manager  
Michaud Bus Lines, Inc.  
61 Jefferson Ave.  
Salem, MA 01970

John D. Healey  
59 Federal Street  
Salem, MA

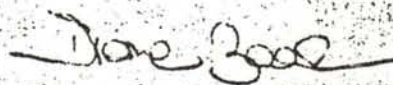
Gentlemen: RE: Michaud Bus Lines & Local #42, Teamsters

The settlement in the aforementioned case is as follows:

The grievant, John Fronchi, is to be reinstated immediately with no back pay but with full seniority rights.

The petition before the Board has been withdrawn by mutual consent of the parties. This letter is to be considered a memorandum of the foregoing stipulated agreement.

BY ITS COUNSEL,

  
Diane Zaar

DZ/im  
cc: Richard A. Sewell  
J. Michaud





# The Commonwealth of Massachusetts

Executive Office of Manpower Affairs #3

Department of Labor and Industries

Board of Conciliation and Arbitration

Leverett Saltonstall Building, Government Center

100 Cambridge Street, Boston 02202

November 21, 1979

\*\*\*\*\*

In the Matter of:

HERTZ CORPORATION

AND

TEAMSTERS LOCAL 841

\*\*\*\*\*

\*

\*

\*

\*

ARB. 33-1980

In the matter of Hertz Corporation and Teamsters Local 841 concerning the discharge of George Diaz, there was a hearing before the Board on November 20, 1979.

During the course of the hearing both parties notified the Board they had agreed to a settlement of the issue.

The settlement was:

1. George Diaz shall be reinstated as of November 23, 1979 at the Logan Airport location.
2. He shall be made whole with the exception of back pay.

BY THE BOARD:

*Paul J. McCarthy*  
Paul J. McCarthy, Chairman

*John McKinnon*  
John McKinnon, Assoc. Commissioner

*John J. Connors*  
John Connors, Assoc. Commissioner





27

#4

*The Commonwealth of Massachusetts*  
*Executive Office of Manpower Affairs*  
*Department of Labor and Industries*  
*Board of Conciliation and Arbitration*  
*Leverett Saltonstall Building, Government Center*  
*100 Cambridge Street, Boston 02202*

November 26, 1979

-----  
In the Matter of: (

SPORTS SERVICE, INC. (

and (

ARB. 1-1980 (

UNITED FOOD AND COMMERCIAL (

WORKERS, LOCAL #1445 (

-----  
In the matter of Sports Service, Inc. and United Food and Commercial Workers, Local #1445 concerning the discharge of James Rizzo, there was a hearing before the Board on Friday, October 12, 1979.

After the presentation of evidence both parties notified the Board that they had agreed to a settlement of the issue.

The settlement is:

- (1) James Rizzo shall be reinstated to Stand 11 on a full time regular basis, without loss of seniority.
- (2) He shall not be entitled to back pay.
- (3) He shall be entitled to all other rights and benefits under the contract.

BY THE BOARD:

*Paul J. McCarthy*  
Paul J. McCarthy, Chairman

*John McKinnon*  
John McKinnon, Associate Commissioner

*John J. Connors*  
John Connors, Associate Commissioner





The Commonwealth of Massachusetts

DEPARTMENT OF LABOR AND INDUSTRIES

BOARD OF CONCILIATION AND ARBITRATION

BOSTON

November 27, 1979

*In the matter of the joint application for arbitration of a controversy between*

HERTZ CORPORATION  
AND

TEAMSTERS LOCAL UNION NO 841

ARB. 50-1980

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

1. The Company did not have just cause to discharge the grievant under Article 5 of the Collective Bargaining Agreement.
2. The grievant is to be restored to the position held at the time of her termination with full seniority rights and back pay less an amount equal to the missing cash only.
3. The parties are ordered to implement the award forthwith.

BY THE BOARD:

*Paul J. McCarthy*  
Paul J. McCarthy, Chairman

*John McKinnon*  
John McKinnon, Assoc. Commissioner

*John Connors*  
John Connors, Assoc. Commissioner



#6



The Commonwealth of Massachusetts

DEPARTMENT OF LABOR AND INDUSTRIES

BOARD OF CONCILIATION AND ARBITRATION

BOSTON

November 29, 1979

*In the matter of the joint application for arbitration of a controversy between*

CRESSEY DOCKHAM COMPANY  
and  
TEAMSTERS LOCAL #42

ARB. 30-1980

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The Company did not violate Article 2 of the Collective Bargaining Agreement.

The grievance is without merit and denied.

BY THE BOARD:

*Paul J. McCarthy*  
Paul J. McCarthy, Chairman



COMMONWEALTH OF MASSACHUSETTS  
BEFORE THE BOARD OF CONCILIATION AND ARBITRATION

\* \* \* \* \*  
In the Matter of  
CITY OF WOBURN  
and  
LOCAL 971, IAFF  
\* \* \* \* \*

ARBITRATION # 63-1980

Dec. 7, 1979

STIPULATED AWARD

Based upon the stipulation of the parties, we make the following award pursuant to the authority vested in us by the parties.

The following retired firefighters shall be paid the respective amounts listed beside their names as payment in full for sick leave accumulated at the time of retirement as provided by Article VIII of the agreement between the City of Woburn and Local 971:

Neil Booker	\$4452.00
Robert Ingraham	\$4194.85
John McDonough	\$4123.00
John Quigley	\$3559.47

The estate of Ernest Murphy shall be paid \$6274.66 as payment in full for sick leave accumulated at the time of retirement as provided by Article VIII.

Board of Conciliation and Arbitration,

Paul J. McCarthy





**The Commonwealth of Massachusetts**  
**DEPARTMENT OF LABOR AND INDUSTRIES**

**BOARD OF CONCILIATION AND ARBITRATION**

**BOSTON**

December 13, 1979

*In the matter of the joint application for arbitration of a controversy between*

PUBLIC SCHOOLS OF SPRINGFIELD

AND

NATIONAL ASSOCIATION OF GOVERNMENT EMPLOYEES

ARB. 48-1980

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

THE GRIEVANCE IS DENIED.

BY THE BOARD:

*Paul J. McCarthy*  
Paul J. McCarthy, Chairman

*John McKinnon*  
John McKinnon, Associate Commissioner

*John Connors*  
John Connors, Associate Commissioner





The Commonwealth of Massachusetts

DEPARTMENT OF LABOR AND INDUSTRIES

BOARD OF CONCILIATION AND ARBITRATION

BOSTON

December 18, 1979

*In the matter of the joint application for arbitration of a controversy between*

HERTZ CORPORATION

V

LOCAL #841 INTERNATIONAL BROTHERHOOD OF TEAMSTERS

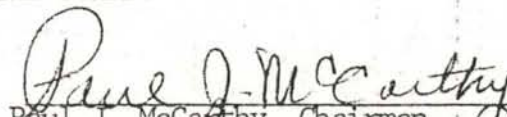
ARB. 61-1980

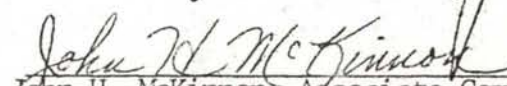
The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

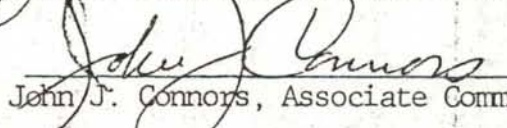
Michael Barone shall be reinstated with full back pay immediately, without loss of seniority.

He shall be entitled to all other rights and benefits under the contract.

BY THE BOARD:

  
Paul J. McCarthy, Chairman

  
John H. McKinnon, Associate Commissioner

  
John J. Connors, Associate Commissioner



The Commonwealth of Massachusetts

DEPARTMENT OF LABOR AND INDUSTRIES

BOARD OF CONCILIATION AND ARBITRATION

BOSTON

December 27, 1979

*In the matter of the joint application for arbitration of a controversy between*

Curran-Morton, Inc.

ARB. 29-1980

and

Teamsters Local Union #49

The Board, having afforded the Employer and the Union an opportunity to present testimony, exhibits and arguments, and examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The discharge was for just cause.

FOR THE BOARD:

*Paul J. McCarthy*  
Paul J. McCarthy, Chairman





The Commonwealth of Massachusetts  
DEPARTMENT OF LABOR AND INDUSTRIES

BOARD OF CONCILIATION AND ARBITRATION

BOSTON January 3, 1980

*In the matter of the joint application for arbitration of a controversy between*

TOWN of DRACUT

and

ARB. 56-1980

FIREFIGHTERS LOCAL 2586, IAFF

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The Town violated the agreement by not assigning an officer to the detail from July 16 to July 20, 1979.

The Fire Department shall pay five (5) days pay, in accordance with the contract, to the officers to whom it is due.

BY THE BOARD:

*Paul J. McCarthy*  
Paul J. McCarthy, Chairman

*John J. Connors*  
John J. Connors, Associate Commissioner

*John H. McKinnon*  
John H. McKinnon, Associate Commissioner





The Commonwealth of Massachusetts

DEPARTMENT OF LABOR AND INDUSTRIES

BOARD OF CONCILIATION AND ARBITRATION

BOSTON

January 3, 1980

*In the matter of the joint application for arbitration of a controversy between*

Town of Dracut

v

Firefighters Local 2586, IAFF

ARB. 57-1980

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The Town will reimburse the firefighters on the detail for the time lost.

The three men on the detail shall receive one (1) hour of pay at overtime rate for each of the four days he was on the detail.

BY THE BOARD:

*Paul J. McCarthy*  
Paul J. McCarthy, Chairman

*John H. McKinnon*  
John H. McKinnon, Assoc. Commissioner

*John Connors*  
John Connors, Assoc. Commissioner





The Commonwealth of Massachusetts

DEPARTMENT OF LABOR AND INDUSTRIES

BOARD OF CONCILIATION AND ARBITRATION

BOSTON

January 3, 1980

*In the matter of the joint application for arbitration of a controversy between*

TOWN OF DRACUT

and

ARB. 58-1980

FIREFIGHTERS LOCAL 2586, IAFF

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The Town violated Article 23 when it assigned fire fighters the task of removing and replacing the muffler and tailpipe on engine No. 9.

BY THE BOARD:

*Paul J. McCarthy*  
Paul J. McCarthy, Chairman

*John J. Connors*  
John J. Connors, Associate Commissioner

*John H. McKinnon*  
John H. McKinnon, Associate Commissioner





The Commonwealth of Massachusetts

DEPARTMENT OF LABOR AND INDUSTRIES

BOARD OF CONCILIATION AND ARBITRATION

BOSTON

January 9, 1980

*In the matter of the joint application for arbitration of a controversy between*  
TRIMOUNT BITUMINOUS PRODUCTS COMPANY  
and  
TEAMSTERS LOCAL UNION NO. 25 affiliated with INTERNATIONAL BROTHERHOOD  
OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN and HELPERS OF AMERICA  
(ARB. 21-1980)

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

In the absence of any proof of evasion of the collective bargaining agreement, the grievance must be denied.

BY THE BOARD:

*Paul J. McCarthy*  
Paul J. McCarthy, Chairman

*John H. McKinnon*  
John McKinnon, Associate Commissioner

*John J. Connors*  
John Connors, Associate Commissioner





The Commonwealth of Massachusetts

DEPARTMENT OF LABOR AND INDUSTRIES

BOARD OF CONCILIATION AND ARBITRATION

BOSTON

January 11, 1980

*In the matter of the joint application for arbitration of a controversy between*

TOWN OF HULL

AND

ARB. 27-1980

HULL PERMANENT FIREFIGHTERS' ASSOC.

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows: The Town of Hull did not violate the contract when the acting chief elected not to appoint a fourth captain on and after July 16, 1978.

BY THE BOARD:

*Paul J. McCarthy*  
Paul J. McCarthy, Chairman





*The Commonwealth of Massachusetts* #16  
*Executive Office of Manpower Affairs*  
*Department of Labor and Industries*  
*Board of Conciliation and Arbitration*  
*Leverett Saltonstall Building, Government Center*  
*100 Cambridge Street, Boston 02202*

January 18, 1980

-----  
In the Matter of: (

TOWN OF DRACUT (

and (

FIREFIGHTERS LOCAL 2586# (

( ARB. 115-1980  
(  
(  
(  
(  
(  
(  
(

-----  
In the matter of the Grievance Arbitration between the  
Town of Dracut and Firefighters Local 2586# concerning  
an alleged violation of Article 30, "Miscellaneous  
Provisions."

A hearing was conducted before the Board on Monday, January  
14, 1980. During the course of the hearing the parties  
notified the Board they had reached a settlement of the issue.

The parties stipulated to the following:

The Town shall reimburse the Bargaining Unit Members  
as called for under Article 18, Section 1 "Personal  
Tour" for Fiscal Year 1979 in accordance with the  
Collective Bargaining Agreement.

BY THE BOARD:

*Paul J. McCarthy*  
Paul J. McCarthy, Chairman

*John McKinnon*  
John McKinnon, Associate Commissioner

*John Connors*  
John Connors, Associate Commissioner





*The Commonwealth of Massachusetts*  
*Executive Office of Manpower Affairs*  
*Department of Labor and Industries*  
*Board of Conciliation and Arbitration*  
*Leverett Saltonstall Building, Government Center*  
*100 Cambridge Street, Boston 02202*

#17

January 18, 1980

In the Matter of:

TOWN OF DRACUT

and

FIREFIGHTERS LOCAL 2586#

ARB. 116-1980

In the matter of the Grievance Arbitration between the Town of Dracut and Firefighters Local 2586# concerning an alleged violation of Article 23, Section 1.

A hearing was conducted before the Board on Monday, January 14, 1980. During the course of the hearing the parties notified the Board they had reached a settlement of the issue.

The parties stipulated to the following:

The Town shall pay Firefighter Robert H. Decelle, Jr., one "Tour of Duty" as called for under Article 28, Section 1 "Bereavement and Funeral Leave" for Monday, August 13, 1979, in accordance with the Collective Bargaining Agreement.

BY THE BOARD:

*Paul J. McCarthy*  
Paul J. McCarthy, Chairman

*John McKinnon*  
John McKinnon, Associate Commissioner

*John Connors*  
John Connors, Associate Commissioner





The Commonwealth of Massachusetts  
Executive Office of Manpower Affairs  
Department of Labor and Industries  
Board of Conciliation and Arbitration  
Leverett Saltonstall Building, Government Center  
100 Cambridge Street, Boston 02202

January 18, 1930

In the Matter of:

TOWN OF DRACUT

and

FIREFIGHTERS LOCAL 2586#

ARB. 117-1980

In the matter of the Grievance Arbitration between the Town of Dracut and Firefighters Local 2586# concerning an alleged violation of Articles 3 and 23.

A hearing was conducted by the Board on Monday, January 14, 1980.

During the course of the hearing the parties notified the Board they had arrived at a settlement.

BY THE BOARD:

Paul J. McCarthy, Chairman

John McKinnon, Associate Commissioner

John Connors, Associate Commissioner





#19

The Commonwealth of Massachusetts

DEPARTMENT OF LABOR AND INDUSTRIES

BOARD OF CONCILIATION AND ARBITRATION

BOSTON January 25, 1980

*In the matter of the joint application for arbitration of a controversy between*

ROHTSTEIN CORPORATION

and

LOCAL 25, INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS,  
WAREHOUSEMEN AND HELPERS OF AMERICA

ARB. 68-1980

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The grievance is denied.

BY THE BOARD:

*Paul J. McCarthy*  
Paul J. McCarthy, Chairman

*John J. Connors*  
John Connors, Associate Commissioner

*John H. McKinnon*  
John McKinnon, Associate Commissioner





The Commonwealth of Massachusetts

DEPARTMENT OF LABOR AND INDUSTRIES

BOARD OF CONCILIATION AND ARBITRATION

BOSTON

January 25, 1980

*In the matter of the joint application for arbitration of a controversy between*

FRIONOR KITCHENS, INC.

and

ARB. 95-1979

LOCAL #59, TEAMSTERS

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The grievance is denied.

BY THE BOARD:

*Paul J. McCarthy*  
Paul J. McCarthy, Chairman





# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

BOSTON

January 31, 1980

*In the matter of the joint application for arbitration of a controversy between*

LAWRENCE READY MIX CORP.

d/b/a ASSONET SAND AND GRAVEL &

GENERAL CHAUFFEURS, TEAMSTERS, WAREHOUSEMEN, HELPERS,  
INDUSTRIAL AND PRODUCTION WORKERS, LOCAL UNION 526

ARB. 142-1979

The Board, having afforded the Employer and the Union the opportunity to present testimony, exhibits and arguments, to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

1. Lawrence Ready Mix Corporation violated its agreement with Local 526 when the Company failed to count time worked for Assonet Sand and Gravel, Inc. as well as Lawrence Ready Mix Corporation in computing the periods of vacation its employees are entitled to.
2. The Company shall make the employees in the bargaining unit whole, retroactive to June 12, 1978 for any vacation credit lost as a result of the above violation. Specifically, the Company shall credit to each employee's vacation balance the difference between the number of vacation days the employee should have received if that employee's time worked for both Assonet and Ready Mix had been included in determining his years of service for vacation purposes, less the number of vacation days actually credited.
3. In the alternative, the Company may in its discretion give the employees cash in lieu of additional vacation credit for all or part of the back vacation credit ordered in part 2 of this award; if this option is exercised the employee shall receive one day of pay at his regular straight time rate for each day of vacation credit he is entitled to under this award.

BY THE BOARD:

Paul J. McCarthy, Chairman